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**From:** Radford, Nicole [Radford.Nicole@epa.gov]  
**Sent:** 10/26/2022 12:47:38 PM  
**To:** Kemker, Carol [Kemker.Carol@epa.gov]; Bill Harris [bill.harris@catawba.com]; Jason Harris [Jason.Harris@catawba.com]; Jeff Harris [Jeff.Harris@catawba.com]; Elizabeth Harris [elizabeth.harris@catawba.com]; Lydia Locklear [lydia.locklear@catawba.com]; scott.hansen@catawba.com; Sam Beck [sam.beck@catawba.com]; Ashley Sexton [ashley.sexton@catawba.com]  
**CC:** Blackman, Daniel [Blackman.Daniel@epa.gov]; Pugh, Katherine [Pugh.Katherine@epa.gov]; Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Lamberth, Larry [Lamberth.Larry@epa.gov]; Russo, Todd [Russo.Todd@epa.gov]; Pratt, Marirose [Pratt.Marirose@epa.gov]; Dressler, Jason [Dressler.Jason@epa.gov]; Ward, Nacosta [Ward.Nacosta@epa.gov]; Newman, Keriema [Newman.Keriema@epa.gov]; Nicholson, John [Nicholson.John@epa.gov]; Champagne, David [Champagne.David@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]  
**Subject:** RE: Catawba Consultation Status Update #26  
**Attachments:** 10-25-22\_Memo in Support of MTE.pdf; 10-25-22\_Motion to Enter.pdf; Exhibit 4\_Response to Comments.pdf; Exhibit 9 \_ CD Amendment.pdf; 27-1. Proposed Consent Decree.pdf

Dear Chief Harris,

Good morning. I'm attaching several key documents pertaining to yesterday's Motion to Enter (MTE) including the Memo in Support of the MTE, the Motion, Exhibit 4 – Response to Comments, and Exhibit 9 – Consent Decree Amendment. There are several other Exhibits associated with the MTE, but they are too large to email. If you'd like a copy of the entire filing, we can work on setting up an electronic file transfer system. I've also attached a copy of the Consent Decree. Please feel free to reach out with any questions.

Thanks,  
Nikki

Nikki Radford MPA/MSES  
EPA Region 4 | Enforcement and Compliance Assurance Division | Policy, Oversight, and Liaison Office  
61 Forsyth Street SW | Atlanta, Georgia 30303  
(404) 562-9099 | [radford.nicole@epa.gov](mailto:radford.nicole@epa.gov)

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**From:** Kemker, Carol <Kemker.Carol@epa.gov>  
**Sent:** Tuesday, October 25, 2022 3:22 PM  
**To:** Radford, Nicole <Radford.Nicole@epa.gov>; Bill Harris <bill.harris@catawba.com>; Jason Harris <Jason.Harris@catawba.com>; Jeff Harris <Jeff.Harris@catawba.com>; Elizabeth Harris <elizabeth.harris@catawba.com>; Lydia Locklear <lydia.locklear@catawba.com>; scott.hansen@catawba.com; Sam Beck <sam.beck@catawba.com>; Ashley Sexton <ashley.sexton@catawba.com>  
**Cc:** Blackman, Daniel <Blackman.Daniel@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Jenkins, Brandi <Jenkins.Brandi@epa.gov>; Lamberth, Larry <Lamberth.Larry@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Pratt, Marirose <Pratt.Marirose@epa.gov>; Dressler, Jason <Dressler.Jason@epa.gov>; Ward, Nacosta <Ward.Nacosta@epa.gov>; Newman, Keriema <Newman.Keriema@epa.gov>; Nicholson, John <Nicholson.John@epa.gov>; Champagne, David <Champagne.David@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>  
**Subject:** RE: Catawba Consultation Status Update #26

Dear Chief Harris,

Today we were notified that DOJ filed a motion to enter the New Indy consent decree today. This action includes approximately \$50 million in injunctive relief (injunctive relief are those actions/investments/changes of operations that are required to remedy the excess pollution) for the first three years, \$6 million per year for the following three years and establishes a fence-line detection limit for Hydrogen Sulfide. In addition the company is being assessed \$1.1 million in penalties. Nikki will be following up with a link to the consent decree. This filing is for the imminent and substantial endangerment. EPA continues to investigate other aspects of compliance with the Clean Air Act.

Please let us know if you have any questions or would like for EPA to go over the consent decree with you.

Respectfully,

*Carol F. Kemker*

Director

Enforcement and Compliance Assurance Division

EPA Region 4

404-562-8975

*Pronouns: she/her*

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**From:** Radford, Nicole <[Radford.Nicole@epa.gov](mailto:Radford.Nicole@epa.gov)>

**Sent:** Monday, October 24, 2022 8:40 AM

**To:** Bill Harris <[bill.harris@catawba.com](mailto:bill.harris@catawba.com)>; Jason Harris <[Jason.Harris@catawba.com](mailto:Jason.Harris@catawba.com)>; Jeff Harris <[Jeff.Harris@catawba.com](mailto:Jeff.Harris@catawba.com)>; Elizabeth Harris <[elizabeth.harris@catawba.com](mailto:elizabeth.harris@catawba.com)>; Lydia Locklear <[lydia.locklear@catawba.com](mailto:lydia.locklear@catawba.com)>; scott.hansen@catawba.com; Sam Beck <[sam.beck@catawba.com](mailto:sam.beck@catawba.com)>; Ashley Sexton <[ashley.sexton@catawba.com](mailto:ashley.sexton@catawba.com)>

**Cc:** Pugh, Katherine <[Pugh.Katherine@epa.gov](mailto:Pugh.Katherine@epa.gov)>; Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Lamberth, Larry <[Lamberth.Larry@epa.gov](mailto:Lamberth.Larry@epa.gov)>; Russo, Todd <[Russo.Todd@epa.gov](mailto:Russo.Todd@epa.gov)>; Pratt, Marirose <[Pratt.Marirose@epa.gov](mailto:Pratt.Marirose@epa.gov)>; Dressler, Jason <[Dressler.Jason@epa.gov](mailto:Dressler.Jason@epa.gov)>; Ward, Nacosta <[Ward.Nacosta@epa.gov](mailto:Ward.Nacosta@epa.gov)>; Newman, Keriema <[Newman.Keriema@epa.gov](mailto:Newman.Keriema@epa.gov)>; Nicholson, John <[Nicholson.John@epa.gov](mailto:Nicholson.John@epa.gov)>; Champagne, David <[Champagne.David@epa.gov](mailto:Champagne.David@epa.gov)>; Kemker, Carol <[Kemker.Carol@epa.gov](mailto:Kemker.Carol@epa.gov)>; Gettle, Jeaneanne <[Gettle.Jeaneanne@epa.gov](mailto:Gettle.Jeaneanne@epa.gov)>

**Subject:** Catawba Consultation Status Update #26

Dear Chief Harris,

Good morning. I'm sending this bi-weekly Consultation update on behalf of Region 4 ECAD Director Carol Kemker. My apologies for the delay. EPA is providing the following bi-weekly update documents: weekly H2S monitoring information for the weeks of Friday September 30, 2022 and Friday October 7, 2022. On October 13, 2022, New Indy submitted to R4 ECAD a revised version of its fence line monitor Quality Assurance Project Plan (QAPP). The revised version is currently being reviewed. Also on October 13th, citizen's filed a motion with the U.S. District Court for the District of South Carolina Rock Hill Division to reconsider its September 15, 2022, Order denying their motion to intervene in the EPA's Clean Air Act (CAA) Section 303 imminent and substantial endangerment action against New Indy. The court found that

Intervenors lack an unconditional right to intervene under CAA Section 7064. A response to the motion to reconsider is due by October 26, 2022.

DOJ and EPA are still considering comments on the proposed Consent Decree, and EPA is continuing to investigate Clean Air Act compliance at the facility. If you have any questions, please feel free to contact me.

Thanks,  
Nikki

Nikki Radford MPA/MSES  
EPA Region 4 | Enforcement and Compliance Assurance Division | Policy, Oversight, and Liaison Office  
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